

REMARKS/ARGUMENTS

A Request for a Three (3) Month of Extension of Time pursuant to 37 CFR §1.136(a) and (b) is attached hereto.

The above-captioned patent application has been carefully reviewed in light of the Official Action to which this Amendment is responsive.

Claims 13-19 are pending. Each of the pending claims have been rejected based on certain prior art. In addition, Claims 13-19 have also been rejected under 35 USC §112. Reconsideration is respectfully requested based on the amended claims as well as the following discussion.

The Examiner has rejected Claim 13 under 35 USC §102(b) as being anticipated by Pawlowski (GB 876117). Applicant respectfully traverses this rejection.

In order to anticipate under the Statue, each and every claim limitation must be found in the single cited reference. Those limitations that are not found must be notoriously well known to one of sufficient skill in the field of the invention.

Pawlowski '117 describes an elevated sectional floor such as for use in interior areas, such as computer rooms, to provide access for cable storage and the power supply. The floor as shown in Fig. 6, includes a frame 44 that rests upon a plurality of standards 46. Each of the standards 46 includes 4 lugs 48 to permit sectionality of the floor. The frame 44 includes a number of box-like frame members 50 as well as frame members 52 defining openings 54 to receive floor panels in an edge to edge contiguous relationship to form the floor.

This reference differs greatly from the present invention. First, the present invention is not at all related to an interior floor, but rather to a floor system for an exterior structure, namely a patio or terrace. Second, the Examiner has apparently compared the floor panels to the paving bricks as claimed by Applicant. Both are arguably weight bearing structures, however, there are clear differences between a set of floor panels sized to be placed within defined openings defining the frame of the floor and a plurality of paving bricks that are placed on top of the grate panels, each panel having a series of perforations for supporting a single paving brick.

Claim 13 has been amended to better clarify the present invention and to particularize the structure of the grate panels such that each paving brick is evenly supported by a plurality of perforations of at least one grate panel. Support is found

Serial No.: 09/768,996
Amendment Dated: October 23, 2003
Reply to Office Action of April 23, 2003

repletely in the figures of the present invention. Clearly, this is not the way the floor panels are supported (a single opening or perforation) according to the Pawlowski patent.

For the above reasons, it is respectfully submitted that Claim 13 is allowable over the cited art. Therefore, reconsideration is respectfully requested.

Claim 14 has been rejected under 35 USC §103(a), also over Pawlowski '117. Applicant respectfully traverses this prior art rejection.

In order to maintain a *prima facie* obviousness rejection, each and every claimed limitation must be recited or suggested by the cited prior art. Those limitations that are recited or suggested by the prior art must be notoriously well known in the field of the invention by one of sufficient skill.

As previously noted, Pawlowski describes a sectional raised floor defined by a frame having a plurality of openings, each opening being sized to receive a floor panel. On the other hand, Applicant, as now recited in amended Claim 13, describes an exterior floor that includes a plurality of grate panels, each grate panel having a series of perforations and in which each of a plurality of paving bricks placed on coplanar top surfaces of the grate panels is evenly supported by and covers a plurality of these perforations. There is no specific "locked in" one to one correspondence as in the interior floor described by Pawlowski '117.

Claim 14 is therefore believed allowable for the same reasons pertaining to Claim 13 since this claim merely adds additional features. Reconsideration is respectfully requested.

The Examiner has also rejected Claims 15-16 under 35 USC §103(a) as being rejected based on the combination of Pawlowski and Faulkner (U.S. Patent No. 5,363,614), Claim 17 based on the combination of Pawlowski and Focht (RE 20872), and Claims 18-19 based on the combination of Pawlowski and Faulkner (U.S. Patent No. 5,363,614). Applicant respectfully traverses each of these rejections.

As previously noted and in order to maintain a *prima facie* obviousness rejection each and every claimed limitation must be found or suggested in the cited prior art. Pawlowski fails to describe or suggest a floor having a plurality of grate panels in which each grate panel includes a series of perforations and in which each of a plurality of paving bricks is evenly supported by a plurality of perforations of at least one grate panel.

The secondary cited references also fail to teach or suggest this essential feature that is now clearly defined and recited in amended Claim 13. It furthermore would not have

Serial No.: 09/768,996
Amendment Dated: October 23, 2003
Reply to Office Action of April 23, 2003

been an obvious design choice to provide this structure, which further provides significant versatility as to the potential number of layouts that the paving bricks can be layed onto the grate panels, forming decorative patterns, for example.

As a result, it is believed each of the above claims should be deemed allowable over the cited prior art since these essential features now recited in amended Claim 13 are neither present or suggested. Reconsideration is respectfully requested.

With regard to the Section 112 rejections, Applicants has amended Claim 13 are suggested by the Examiner. Reconsideration is respectfully requested.

In summary, it is believed the above-captioned patent application is now in an allowable condition and such allowance is respectfully requested.

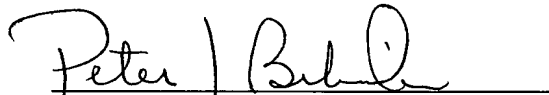
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By:


Peter J. Bilinski
Reg. No. 35,067

PJB/sca
Telephone: (315) 425-9000

Customer No.: 20874